

## STAR LAKE TOWNSHIP E - BULLETIN # 24

**SUBJECT:** Otter Tail County Ditch 23

**DATE:** 9/25/18

Rev- 1/16/19

This provides information regarding Otter Tail County Ditch 23 located *along the western border of Dead Lake Township within Star Lake*. Since a significant number of Star Lake Township (SLT) tax payers are paying into the Ditch 23 Fund via property taxes, we thought it appropriate to share this information. **To be clear, there are no immediate plans for any repair or maintenance projects regarding Ditch 23.** The intent of providing this information is ultimately to gauge the level of public interest on this subject.

The following are the pertinent data points related to this subject:

- 1- While property owners legally own the ditches, Otter Tail County (OTC) is the “drainage authority” and by state law is responsible for maintenance & related administration,
  - 2- There are 60 “county” ditches located within OTC and they are authorized by MN Statute to assess taxes on “benefitting landowners” for each ditch to fund expenses related to maintenance/repair and any associated administrative activities,
  - 3- There are three county ditches that directly affect Star Lake Township (SLT):
    - a. **Ditch 23** – a  $\frac{3}{4}$  mile ditch running from Star Lake to Dead Lake located totally in Dead Lake Twp.,
    - b. **Ditch 25** – a 2.5-mile ditch beginning in Edna Twp. (Big McDonald Lake) and terminating on the north shore of Star Lake in Dora Twp.,
    - c. **Ditch 55** – a 6-mile ditch running from Long Lake thru Mud Lake to Dead Lake located totally in Star Lake Twp.,
  - 4- The Drainage Authority (OTC) is authorized to establish these individual ditch accounts to a level equal to 20% of the determined value of the ditch (established by a Redetermination of Benefits Study). In this case Ditch 23 is valued at \$13 million+; consequently, the authorized level of the ditch fund could be \$2.5 million. However, OTC Commissioners have wisely determined this value to be too large for Ditch 23 based upon the nature of the ditch and the estimated cost of any reasonable improvement/repair project. Accordingly, OTC has established a cap of \$50,000 for Ditch 23. This has been done with other county ditches as well.
  - 5- Most county ditches were created in the early 1900’s, therefore the identity and number of benefitting property owners has changed dramatically. To address this, OTC has embarked on a process to complete “Redetermination of Benefits” studies on all
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county ditches. These studies simply re-establish who benefits from the ditch and by how much. This allows OTC to fairly distribute the cost of on-going maintenance and repairs.

- 6- The 2015 Redetermination of Benefits study completed for Ditch 23 includes approximately 1240 unique land parcels within the Star Lake drainage basin, with 670 individual property owners.
- 7- The completion of a “Redetermination of Benefits” study does not necessarily mean that ditch repairs or maintenance is being planned; only that funds are being accrued to pay for any potential future repairs/maintenance/administration.
- 8- Ditch 23 was established in 1906 to provide drainage from Star Lake to Dead Lake to help control flooding of agricultural concerns at that time.
- 9- Ditch 23 is currently inoperable and has been for decades. The culvert was evidently buried at some point.
- 10- The starting point of Ditch 23 is in Dead Lake Twp. on Beaver Dam Road a short distance south of the intersection with 380<sup>th</sup> Street on the southeastern shore of Star Lake, (a metal stake on the east side of the roadway marks the location).
- 11- The only other outlet from Star Lake is “Star Creek” a natural waterway under jurisdiction of the MN-DNR.
- 12- Due to high water flooding a petition to OTC to repair Ditch 23 was submitted in 1993 but was denied when the DNR cleaned the Star Creek channel.
- 13- As of June 2018, the current balance for the Ditch 23 fund was \$42,276, which would leave a final assessment of approximately \$8,000 to reach the fund cap.
- 14- SLT Chairman Lee Mindemann and OTC Ditch Inspector Kevin Feldbaum “informally estimate” the cost of repair for Ditch 23 at \$20,000 - \$30,000.
- 15- *OTC has indicated there is no work planned for Ditch 23 and likely will not be, until there is a written request from a significant number of property owners requesting the repair be made.*
- 16- If Ditch 23 is repaired the DNR will require the culvert on Star Lake to be installed at the ordinary highwater level (OHL).
- 17- There is also a MN statutory process to abandon a ditch, in which case all monies remaining after payment of all administrative costs would be returned to the benefitted property owners. It should be noted that the process is onerous and has never been accomplished in Otter Tail County.

Given the above, the question is, should Ditch 23 be repaired and made operational as a possible secondary drainage outlet for Star Lake?

If yes, who or what group of stakeholders will sponsor a request to OTC to do so?

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If no, should the ditch be abandoned? If this option is preferred, who or what group of stakeholders will sponsor that request?

If you have made it this far in this memo, you should now understand that ditches are complicated. This issue is likely of greater interest to property owners of Star Lake shoreline, and of lesser interest to property owners away from Star Lake. Regardless, most Star Lake "Township" tax payers are paying into the Ditch 23 fund and therefore have a vested interest.

This subject will be addressed again in the annual Star Lake Township Newsletter and perhaps at the Annual Town Meeting on 3/12/19. If you would like to express an opinion or question on this matter please use the attached form and mail or email it as indicated.

Respectfully,

Lee Mindemann

Star Lake Town Board

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Cut & Detach Here

**DITCH 23 FEEDBACK**

**NAME:** \_\_\_\_\_ **CONTACT INFO:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

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Return by U.S. Mail to Star Lake Township, 39840 Star Hills Drive, Dent, MN 56528 "OR"

By email to [sup2@starlaketownship.org](mailto:sup2@starlaketownship.org).

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